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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-841

13 **SUZANNE TEMME**
14 **1338 Costa Del Sol**
15 **Shell Beach, CA 93449**
16 **Registered Nurse License No. 746580**

A C C U S A T I O N

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about March 2, 2009, the Board of Registered Nursing issued Registered Nurse
24 License Number 746580 to Suzanne Temme ("Respondent"). The Registered Nurse License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2013, unless renewed.
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8. Code section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • •

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

9. Code section 2762 states, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • •

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, or the possession of, or falsification of a record pertaining to, the substances described in subdivision (a) of this section, in which event the record of the conviction is conclusive evidence thereof.”

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

11. Respondent is subject to discipline pursuant to Code section 2761, subdivision (f), in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered nurse.

a. On or about February 28, 2010, Respondent was arrested and charged with violating Veh. Code section 23152(a) [driving under the influence of alcohol] and Veh. Code section 23152(b) [driving while having .08% or higher blood alcohol concentration]. Respondent had a blood alcohol content of .33%, **more than four times the legal limit**, at the time of her arrest. On or about August 2, 2010, after pleading nolo contendere Respondent was convicted of one misdemeanor count of violating Veh. Code section 23152(b) [driving with blood alcohol concentration of .08% or more] in the criminal proceeding entitled *The People of the State of California v. Suzanna Temme* (San Luis Obispo County, 20010, No. M000444340). Respondent was sentenced to 10 days of jail and ordered to serve 3 years of probation, with terms and conditions. Respondent was also ordered to complete a nine-month First Offender alcohol and drug counseling program. Respondent was ordered to pay \$1,950.00 in fines and fees.

b. The underlying circumstances occurred on or around February 28, 2010 when a California Highway Patrol Officer observed Respondent driving northbound on the US 101, weaving in her vehicle along the way. The officer observed that Respondent then slowed down her vehicle to a complete stop while in the acceleration lane while attempting to make a left turn. Respondent then resumed driving north on the US 101, straddling the two lanes as she proceeded past the officer. The officer stopped the Respondent's vehicle and as he confronted her, could "smell the odor of an alcoholic beverage." Respondent's speech was "slurred". Respondent denied drinking alcohol and refused to comply with all field sobriety tests per the officer's requests. Based on her objective symptoms of alcohol intoxication the officer determined that the Respondent was under the influence of alcohol. The Respondent agreed to provide a blood test, the results of which demonstrated a blood alcohol concentration of .33%.

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2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Conviction Involving Alcohol)**

4 12. Respondent is subject to discipline pursuant to Code section 2762, subdivision (c), in
5 that on or about August 2, 2010, Respondent was convicted of a crime involving the consumption
6 of alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth
7 above in paragraph 11 and all subparagraphs, as though set forth fully herein.
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9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Use Alcohol to an Extent or in a Manner Dangerous or Injurious)**

11 13. Respondent is subject to discipline pursuant to Code section 2762, subdivision (b), in
12 that on or about February 28, 2010, Respondent used and/or was under the influence of alcohol in
13 a manner dangerous or injurious to herself, any other person, or the public. Complainant refers
14 to, and by this reference incorporates, the allegations set forth above in paragraph 11 and all
15 subparagraphs, as though set forth fully herein.
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17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 14. Respondent is subject to disciplinary action under section 2761, subdivision (a) for
20 unprofessional conduct in that on or about February 28, 2010, Respondent was arrested of a
21 criminal offense involving consumption of alcohol. Complainant refers to, and by this reference
22 incorporates, the allegations set forth above in paragraph 11 and all subparagraphs, as though set
23 forth fully herein.
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25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Registered Nursing issue a decision:
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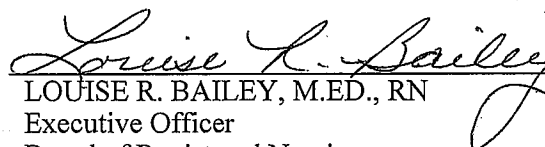
1.1. Revoking or suspending Registered Nurse License Number 746580, issued to
Suzanne Temme;

1.2. Ordering Suzanne Temme to pay the Board of Registered Nursing the reasonable
costs of the investigation and enforcement of this case, pursuant to Business and Professions
Code section 125.3;

1.3. Taking such other and further action as deemed necessary and proper.

DATED:

4/12/11



LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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